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Homestead Program Implementation Plan Outline
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Homestead Definitions

For purposes of this Implementation Plan:

(1) (A) "Eligible Property" means any property owned by Shelby County Government that has been acquired through tax-foreclosure, private donation, public purchase, and/or any other means of acquisition that is held by either Shelby County's Department of Housing or Land Bank Department that is available for transfer to a public, private, or non-profit agency for the construction of either Multi-Family or Single- Family Housing.

(B) "Eligible Property" includes those properties held by the Shelby County Department of Housing and/or the Shelby County Land Bank Department that are zoned for Multi-Family or Single-Family development and meet local code requirements for the necessary size and setback to allow for the construction of a housing structure on the property.

(2) "Tax Sale Property" means any property that has been taken by the Shelby County Trustee through the local foreclosure process and is now held in the inventory of the Shelby County Government and is eligible for sale to the public, transfer for use under the Shelby County Homestead Program, or is being held by the Shelby County Land Bank under an option to purchase on the behalf of a duly designated 501(c)3 non-profit organization, Community Development Corporation, Community Housing Development Organization (CHDO), or for-profit developer.

(3) "Private Donation" means any property given to Shelby County Government and duly accepted by Shelby County as a gift from the donor that is intended for public or private use in providing owner-occupied or rental housing to individuals seeking to live in Shelby County, Tennessee.

 (4) "Public Purchase" means any property zoned for residential Multi-Family or Single-Family Development that has been purchased by Shelby County Government and is being made available through the Homestead Program for the development of Housing in Shelby County, Tennessee that is of public benefit and returns the property to the Shelby County Tax Rolls.

(5) "Single-Family" means any housing development that ranges in size from one-to-four units on a single lot whether the unit is a single attached unit or four separate detached units on the eligible property.

(6) "Multi-Family" means any attached housing development that exceeds four units and is designed for rental or lease to the occupants by the developer.

(7) "Non-Profit" means any organization that submits an application under the Shelby County Homestead Program and has officially received a 501(c)3 designation under the State of Tennessee and/or qualifies as a Community Development Corporation or Community Housing Development Organization under State and/or Federal regulations.

(8) "For-Profit" means any developer or organization that submits an application under the Shelby County Homestead Program that does not qualify as a Non-Profit.

(9) "Design Review Committee" means an internal review committee composed of representatives of Shelby County Government.

(10) "Predetermined Price" means the value of the Homestead Property as mutually agreed to by the Department of Housing and the Shelby County Land Bank Department that shall be paid by the applicant and placed in an escrow account until all conditions of the Homestead Program are met by the applicant. The pre-determined price shall be \$2,025.00 per lot.

(11) "Rent/Rental" means any unit constructed on Homestead property that will be occupied by an individual or family who will have no ownership interest in the unit or property. Occupants will be paying an established monthly payment to the owner(s) of the property.

(12) "Sale/Sales" means any unit constructed on Homestead property that will be occupied by an individual or family who will purchase the completed unit and have ownership interest in the property through the execution of a mortgage agreement or cash purchase of the property.

HOMESTEAD PROGRAM IMPLEMENTATION PLAN

The Tennessee Homestead Act was adopted by the Tennessee General Assembly (Public Chapter No. 281) on April 24, 1985, and is designed to provide Shelby county Government with an alternative means to acquire and dispose of surplus and tax lien properties for the purpose of residential development.

This package shall serve as the Implementation Plan as required by Section 5 of the Act. Policies, rules and regulations necessary to insure the daily operation of the Homestead Program, as implemented under this plan, shall be the responsibility of the Administration and those departments involved in the transfer of properties under the Homestead Program.

Through the Homestead Program, any person, corporation, partnership, government agency, or joint venture may make an application to acquire designated properties or may make donations of properties to the program. Applicants approved under the Homestead Program shall receive Title to the Homestead property requested for a nominal non-refundable application fee of \$100.00 and a refundable predetermined price that will be held in escrow until all conditions of the Homestead Program are met by the applicant.

Properties under the program will only be made available for residential development.

The \$100.00 application fee is a non-refundable fee.

The refundable predetermined price shall be paid via a non-revocable letter of credit, cash, or check made payable to Shelby County Government. This deposit will be placed in an escrow account.

Upon full compliance with the Homestead Program Policies and Procedures this predetermined price will be refunded to the applicant. In the event the applicant does not comply with the Homestead Agreement, this amount will be forfeited.

In the event that the applicant does not comply with the terms of the Homestead Act, Shelby County also reserves the right to rescind the transfer of the property to the Applicant at the same time the escrowed deposit is forfeited in the event that another public use of the property has been established before the time of forfeiture.

1) Administering Agency:

The Shelby County Department of Housing shall serve as the Administrator of the Shelby County Homestead Program. In the event that the Department of Housing should merge with another Shelby County Department or cease to exist, the Shelby County Mayor may designate another existing or newly created agency as the administrative agency.

2) Method of Selecting Properties:

Upon the request by an applicant, an eligible property will be officially placed in the Shelby County Homestead Program. At that time, an application shall be submitted by the applicant and the property processed for transfer as a Homestead Property by the Shelby County Department of Housing.

A) Existing Tax Sale Properties/Inventory

The Shelby County Department of Housing and the Shelby County Land Bank Office shall maintain a list of properties eligible for inclusion in the Shelby County Homestead Program at all times.

Eligible properties shall be designated by an "H" on the list of Shelby County properties and said list shall be available from both the Department of Housing and Shelby County Land Bank Office.

B) Newly Acquired Tax Sale Property

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Upon completion of each Shelby County Tax Sale, all newly acquired properties shall be reviewed by the Department of Housing and the Shelby County Land Bank Office to determine which newly acquired properties meet zoning and size requirements for the construction of single-family housing units.

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At that time, all lots meeting zoning and size requirements will be designated on Shelby County property lists by an "H" and the full list published in a local newspaper by the Department of Housing announcing the availability of all new county owned properties.

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3) Criteria for Selecting Homesteaders for Multi-Family Housing Development

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Potential applicants shall provide a notarized statement that there are no outstanding complaints against other properties held by the applicant. Other conditions herein also apply.

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Potential applicants shall complete the attached Homestead Application forms and submit them, along with the \$100.00 per property application fee, to the Department of Housing.

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Department of Housing staff will be available to assist in filling out Homestead applications as necessary. All Homestead applications will be considered on a first-come firstserved basis.

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The Homestead Application will consist at a minimum of the following items:

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A) Identification of the applicant.

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B) Identification of the site.

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C) Identification of financial resources to be used for site development.

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D) Compliance with zoning. E) General project description:

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(1) Site plan (2) Building plans

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(3) Projected Rent Scale

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(4) Energy Features

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- F) A completed and signed Shelby County Gratuity Disclosure Form. G) A completed Land Sales Disclosure Form

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The application will be reviewed for completeness by the Department of Housing and a written response to the applicant will be made in a timely manner recommending approval or disapproval.

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If approved, the application shall be forwarded to the Homestead Design Review Committee for final approval prior to a transfer of Title to the property as outlined in Section 6 of the plan.

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(1) Design Review will apply to all private and for profit developments under the Homestead Program. Non-profit organizations will not be required to submit plans for Design Review by the Design Review Committee.

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If not approved, the reasons for disapproval will be listed and the Department of Housing will notify the applicant. Department staff will be available for a review of the rejected application with the applicant.

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4) Criteria for Selecting Homesteaders for Single-family Development by a For-Profit Developer.

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The criteria for selection of Homesteaders for Single-Family Development shall be identical to that used for the selection of the Multi-Family Development. Other conditions stated herein also apply.

The application itself will request information relevant to Single-Family Development, including; but not limited to, information on sales price, façade design, square footage, floor plans, colors, building materials, streetscape photographs of the surrounding existing units, and energy designs. The single-family application is attached.

5) <u>Criteria Allowing for an Option To Purchase.</u>

Applicants seeking to utilize the Homestead Program in conjunction with larger scale developments, such as single-family developments utilizing State Tax Credits, may request an "Option to Purchase" under the Shelby County Homestead Program. When such a request is made, the applicant shall comply with all Homestead Application policies and procedures and the following shall apply:

- A) The applicant shall submit the application fee of \$100 per lot on which the "Option" is requested. This application fee is non-fundable.
- B) The \$100 per lot application fee shall secure an option on the requested homestead property(ies) for a period of 12 months.
- C) Under the use of this "Option" criteria, a full Homestead Deposit based on the predetermined price for each requested Homestead lot must be made within 60 days of the submission of the "Option" request or the requested lot(s) will be released and placed back into the Homestead and/or Real Estate inventory.
- D) Upon securing an "Option to Purchase" the applicant shall assume the responsibility of maintaining, cutting and cleaning the lot during the 12 month "Option" period.
- E) An "Option to Purchase" may be extended for a period of 6 months at the request of the applicant. Requests to extend the "option" shall be addressed to the administering department in writing prior to the expiration of the 12 month period and shall state the reason for the request and any supporting documentation to support the request for a 6 month extension.
- F) At not time shall an "Option to Purchase" exceed 18 months from the date of the original application.
- F) Upon expiration of the "Option" period, all properties will be either transferred to applicant for development with all conditions herein applying to the transfer; or the escrowed Homestead Deposit will be refunded to the applicant and the "Optioned" properties will be returned to the Homestead and/or Real Estate inventory.
- G) At no time shall the application fee(s) be refunded on lots that have been reserved for applicants under the "Option to Purchase" criteria.

6) Conveyance of Property

Upon submission and subsequent approval of the application, and upon meeting the conditions as outlined in Sections 3 and 4 above, the County will transfer Title to the Homestead property to the applicant by Quit-Claim Deed for the predetermined price. The predetermined price shall be \$2,025.00 per lot.

A) Transfer to For-Profit Entities and Individuals.

There shall be an Escrow Account established at the time of transfer of Title. The applicant shall present to the Department of Housing a non-revocable letter of credit, cash, or certified check in the amount of the predetermined price listed on the Quit Claim Deed as established by the Shelby County Department of Housing and Shelby County Land Bank.

The Escrow Account shall be governed by contract between the applicant and Shelby County and will specify the conditions to be met in order to receive a refund of the Escrow Account. This contract shall provide for one extension of time which may be requested by the applicant for just cause.

The purpose of the establishment of the Escrow Account shall be to encourage the applicant to follow through on the approved development plan. If the development is completed within 12 months of the final transfer of Title to the applicant, the account will be refunded. In the event that the development is not completed, the Escrow will be forfeited by the applicant. At no time will Shelby County refund an Escrow Account once transfer of Title has been made to the applicant.

(1) An extension of 6 months due to unforeseen circumstances may be made by the applicant and may be approved by the department administering the Homestead Program without loss of the escrowed predetermined price. At no time shall the development exceed 18 months from the transfer of Title to the applicant without loss of the escrowed deposit.

In no event will the property be foreclosed by the County for failure to complete the proposed development. However, the applicant will forfeit all funds in Escrow. Regardless of completion or failure to complete the development plan, the applicant will hold Title to the subject property and shall owe property taxes from the date Title is transferred.

B) Transfer to Non-Profit Entities.

Upon submission and subsequent approval of the application, and upon meeting the conditions as outlined in Sections 3 and 4 above, the Department of Housing may convey Homestead Properties to an officially designated non-profit entity through either a transfer of Title or a limited Reservation of Homestead Property.

(1) Transfer of Title

Non-profit entities may accept transfer of Title for Homestead properties under the same conditions as for-profit entities and individuals when seeking to immediately commence development of a property.

(2) Reservation of Homestead Property

The purpose of the "Reservation" of Homestead lots by a non-profit entity is to allow the non-profit entity sufficient time to secure property(ies) for development within the neighborhood or community identified by the organization's charter, without placing undue financial restriction on the non-profit.

The reservation of Homestead property by a non-profit entity is based on the submission of a fully completed Homestead application and the payment of \$100.00 Homestead Application fee. The request for the reservation of property must be made at the time of application and must provide an estimated time line for development of the properties or properties; as well as a development plan that includes identification of the funding source that will be used for construction of single-family homes on the Reserved lots.

Reserved lots shall be secured by a Memorandum of Agreement (MOA) between Shelby County and the Non-profit applicant. The

MOA shall provide for the non-profit applicant to maintain the reserved lot; including but not limited to, trash removal, grass cutting and cleaning, tree trimming, and general lot maintenance during the reservation period.

- (a) Violation to comply with the MOA executed as a part of the reservation process may result in the loss of the nonprofit's reservation of the Homestead parcel and the return of the reserved property to the Homestead inventory.
- (b) Reservations periods shall not exceed 12 months and prior to the expiration of the MOA, the non-profit shall submit an official request to transfer Title of the property to the non-profit under Homestead guidelines and conditions.
- (c) A Reservation may be extended for a period of 6 months at the request of the applicant. Requests to extend the reservation shall be addressed to the administering department in writing prior to the expiration of the 12 month period and shall state the reason for the request and any supporting documentation to support the request for a 6 month extension.
- (d) At not time shall a Reservation exceed 18 months from the date of the original application.

7) **Building Standards**

Any construction projects, either rehabilitation or new construction, shall be governed by the 2003 Edition of the ICC Building Code as locally amended and inspected by the Memphis and Shelby County Consolidated Codes Department.

At no time shall a building permit be issued by Shelby County Construction Code Enforcement for development on a transferred Homestead property without notification that the development has been approved by the Homestead Design Review Committee.

8) Coordination Efforts

The Department of Housing will provide assistance to applicants in determining potential resources to meet development needs upon request by an applicant.

This assistance will consist of referrals to housing agencies that typically provide various forms of housing assistance such as: Memphis Housing & Community Development (HCD), Tennessee Valley Authority (TVA), Federal Housing Agency (FHA), Farmer's Home Administration (FmHA), Veterans Services (VA) Offices, Tennessee Housing Development Agency (THDA), and others.

9) Technical and Financial Assistance

As previously stated in Section 8, the Department of Housing will provide referrals to a variety of potential housing resources upon request.

Additional assistance to applicants, or purchasers of property developed under the Homestead Program may include referrals to Down Payment and Closing Cost Assistance and Homebuyer Counseling Programs available from either Shelby County, the City of Memphis the State of Tennessee, or local non-profit housing counseling agencies.

Applicants needing construction cost funding will be encouraged to contact local lenders for this information.

10) Methods to Acquire and Dispose of Property

The Department of Housing and/or the Land Bank Office may acquire properties for the Homestead Program through tax lien foreclosure, gift, or contract from other government agencies, or from private sources provided that all taxes are current on the privately donated property.

The administering agency will solicit properties from these agencies on an on-going basis as necessary. When properties are secured, the public shall be notified as in Section 2 above.

All property shall be disposed of in the manner prescribed in Section 3 and 4 above.

11) Other Conditions Deemed to Be in the Public Interest

The following conditions are those deemed to be in the Public Interest:

A) Emergency Situations

The Department of Housing may review proposals that it considers to be "Emergency" cases from time-to-time, and may recommend to the Administration an abbreviated method of property disposal.

In such cases the Department of Housing will consult with the Land Bank Office concerning the acquisition and/or disposal and will recommend to the Administration a proposed remedy to the emergency situation which shall then go before the Commission for final approval.

B) Property Leasing

The Homestead Program is designed for the sale and transfer of Title of County owned property. However, under a proposed project the lease of a property may be advantageous to housing development.

The lease of a developed property shall be allowed under the Homestead Program and shall follow the same application process as under a sale and transfer including the submission of an application, review by the Homestead Design Review Committee, and final approval by Administration and Commission.

In all instances, application for the development, sale, and transfer of ownership shall have priority over an application for lease.

C) Rents and Sales Prices: The following sales and rent restrictions apply to Homestead properties that are transferred to private or for profit developers. Rents and Sales prices as defined below do not apply to non-profit organizations utilizing the Homestead Program.

1) Rents

Applicants approved under the Shelby County Homestead Program shall agree that single family housing units constructed as rental property will not be rented for more that the Federal Fair Market Rents as established by the U.S. Department of Housing and Urban Development; and in the case of Section 8 rental property, the unit(s) shall comply with Section 8 policies as required by the State of Local agency issuing the Section 8 Voucher.

2) Sales

Applicants approved under the Shelby County Homestead Program shall agree that any newly built single-family housing units constructed for sale

466	to a prospective homebuyer and shall be sold at the fair market value as
467	determined by an appraisal.
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469	The sale of any newly constructed unit shall comply with any and all
470	mortgage requirements as established by the loan program or product used
471	to effect the sale or transfer (e.g. FHA, VA, THDA, FannieMae,
472	Conventional Loan, etc.).
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474	D) Change in Policies and Program Rules
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476	Policies necessary to implement the Program rules may be implemented
477	by the Administering Agency and approved by the Administration so long as
478	policies do not conflict with the Homestead Program Rules as outlined in Sections
479	1 through 11 of this summary.
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481	Changes to the Homestead Program Rules may be amended by approval
482	of the Administration and the County Commission.
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SHELBY COUNTY HOMESTEAD PROGRAM

APPICATION PACKAGE AND GUIDANCE

The Shelby County Homestead Program is designed to promote housing development on vacant lots owned by Shelby County Government. This program utilizes tax-foreclosed properties to stimulate neighborhood revitalization and increase the affordable housing stock in Shelby County. For a small application fee and a refundable deposit, agencies and individuals can obtain a vacant lot if they agree to build a home on the property within 12 months of the property being transferred to them for development. The home may be either for sale or rent. Upon completion of the terms of the Homestead Agreement, the applicant's original deposit is refunded.

The "Tennessee Homestead Act" was enacted in 1985 (T.C.A. Title 7, Chapter 66). The Shelby County Commission originally authorized implementation of the Homestead Program also in 1985. Upon recommendation by members of the County Commission, the non-refundable, \$100 application fee is required up-front rather than after the Homestead documents have been fully executed. (SHELBY COUNTY EMPLOYEES MAY NOT APPLY).

The potential applicant/developer completes the application forms and submits them to the Homestead Office in the Housing Department at 1075 Mullins Road, Memphis, TN 38134. Applications are considered on a first-come, first-served basis. The Homestead Coordinator is available to provide technical assistance in filling out applications.

HOMESTEAD PROGRAM DESIGN REVIEW

The Shelby County Department of Housing has implemented a "design review process" into the Shelby County Homestead Program. This process is established to insure that properties provided for housing development under the Homestead Program maintain the integrity of the neighborhood and blend in with existing housing units in the community.

Housing Department staff understands that development of affordable housing is governed by many factors, among them construction costs, area comparables for sale, the availability of financing, and size/position of the lot. Additionally, the Department realizes that inner-city housing designs can vary greatly block-by-block. Any of these factors can make or break an affordable housing project.

It is not the Department's intent to create hardships on those developers utilizing the Homestead Program. Therefore, while a suitable façade and maintenance of neighborhood integrity are paramount, the Department will allow for zoning and codes requirements to govern the general size and minimum housing standards. However, developers should be aware that on average, a unit should at a minimum be no less than 80% of the square footage of surrounding homes, and no smaller than 1,000 square feet. Additionally, the unit should have a minimum of 3 bedrooms and 2 baths. Final approval of all Homestead Designs will be subject to the approval of the Homestead Design Review Committee.

The following information should be provided to the Department of Housing along with the standard Shelby County Homestead Application, Application Fee and Zoning Letter.

- 533 1. A site plan indicating the positioning of the proposed unit on the homestead property.
- 2. A floor plan indicating the total square footage of the unit and the size of each room.
- 3. A facade rendering (or photo if the plan has been used in the past) indicating a view of the completed unit from the street and each side.
- 4. A description of exterior colors to be used on the unit.
 - 5. A description of materials to be used on exterior (for example: brick veneer).
- 539 6. A photograph of the vacant lot, a streetscape, and the housing unit(s) immediately adjacent to the lot where the new unit will be built.
- 7. If the developer anticipates a problem during the review of his/her design, he/she should also submit a brief narrative of why construction of the unit should be allowed as submitted utilizing property from the Shelby County Homestead Program. (No more than one single-spaced typewritten page).

The Department of Housing and Shelby County Land Bank Office insure that the Homestead 547 Design Review Committee approves each proposed unit for approval prior to submitting a Homestead Resolution to the Shelby County Mayor and Board of Commissioners for approval. 548 549

Should any questions arise concerning the design of the proposed unit, the developer will be 550 asked to meet with members of the Department of Housing and Land Bank Office to discuss any 551 concerns or resolve any issues.

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OUTLINE OF THE APPLICATION PROCESS

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1. Applicant fills out application for their project and submits all required documentation. An Application Fee of \$100.00 is required.

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2. Necessary documents are submitted to the Design Review Committee.

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3. Applicant is notified in writing of the Design Review Recommendation.

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4. When all information has been received, the transfer Resolution is prepared for County Commission approval.

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5. After Resolution approval, the Quit Claim Deed and Homestead Agreement is prepared and signed. The applicant must submit Homestead Deposit amount, which represents the back taxes, owed on the property and the recording fee.

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6. Homestead staff registers the Deed and Agreement with the Shelby County Register of Deeds.

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7. When all requirements on the Homestead Agreement have been met, a Release Deed is signed and recorded.

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8. Upon completion of the project as evidenced by the Final Building Ticket and compliance with required covenants, the deposit is returned to the applicant.

Applicant's Name:		_ Phone:	
Address:City, State, Zip:			
Federal Tax ID#:			
DESCRIPTION OF PROF	PERTY:		
Γax Sale # Exhibi	t # Ward-Blo	ock-Parcel #	
Address:	Deposit:	Lot Size:	' X
PROJECT PLAN: Descrip	ntion of structure to be bu	uilt (Single or Mul	ti-Family Ftc)
IKOJECI I LAM. Desemp	phon of structure to be of	int. (Single of Mul	u-ranniy, Euc.)
Гуре of structure? Brick, Si	ding, etc.:		
Approximate square footage	& number of Rooms:		
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Signature	of Applicant	
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	Land Sales Disclosure
This form is for any person pur	chasing tax delinquent property from the Shelby County Land Bank or acquiring
property through the Shelby Co	
	,
Name	Date
Address	
Phone	
Company Name	
Company Address	
Subject Property Address_	
Subject Property ID #	
	housing code violations against any properties in which you have
control or interest? Yes	No

	Violation Address
Violation Date	Violation Address
A 41	
•	construction code violations against any properties in which you have
control or interest? Yes	N0
Violation Data	Violation Address
	Violation AddressViolation Address
violation Date	violation Address
Dlagga list any properties	other than you residence or business location that you own, manage
control	other than you residence of business location that you own, manag
Address	
I certify that the above inf	ormation I have provided is accurate and correct.
1 Cominy that the above IIII	ormation r have provided is accurate and correct.
Signature	